

Land Use Code Amendments

Permit Process and
Design Standards and Guidelines
for East Link Light Rail

City Council Study Session
October 8, 2012

Response to Council Direction

Tonight's Materials Provide:

- ▶ Draft Light Rail Overlay amendments
 - ▶ Matrix showing existing code and gaps
 - ▶ Answers to specific questions raised on 9/17
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Outcome for Tonight/Next Steps

- ▶ Direction not required tonight
- ▶ Council could request staff to provide information to focus public review for hearing
- ▶ Following public hearing, ordinance will be modified to include Council Direction on:
 - Amendments necessary to respond to public comment
 - Specific areas where staff identified that input was needed from the Council

How Did We Get Here?

Process Overview to Date

- ▶ Early policy work (Best Practices & Comp Plan)
 - ▶ Memorandum of Understanding re: East Link
 - ▶ Collaborative Design Process Plan
 - ▶ Staff-level Technical Working Groups
 - ▶ Council Study Sessions
 - July 16, 2012
 - September 17, 2012
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How Did We Get Here?

Public Outreach to Date

- ▶ Formal published notices
 - September 13
 - September 25 (East Bellevue Community Council)
 - September 27
 - October 4
- ▶ Code Amendment Staff at Cost Savings Drop-ins
 - October 2 (Enatai)
 - October 3 (Surrey Downs)
 - October 4 (Downtown)
- ▶ New Overlay District page on City's main East Link website

Land Use Code Amendments: Why Now?

- ▶ City commitment in MOU with Sound Transit
- ▶ Cannot prohibit Essential Public Facility with policies/codes
- ▶ Address gaps where code does not provide clear guidance or where requirements don't make sense
 - Create design standards/guidelines specific to light rail
 - Clearly identify development standards consistent with Land Use Code & Light Rail Best Practices
- ▶ Guide work of city staff through collaborative design process
- ▶ Create process consistency/fairness across entire alignment

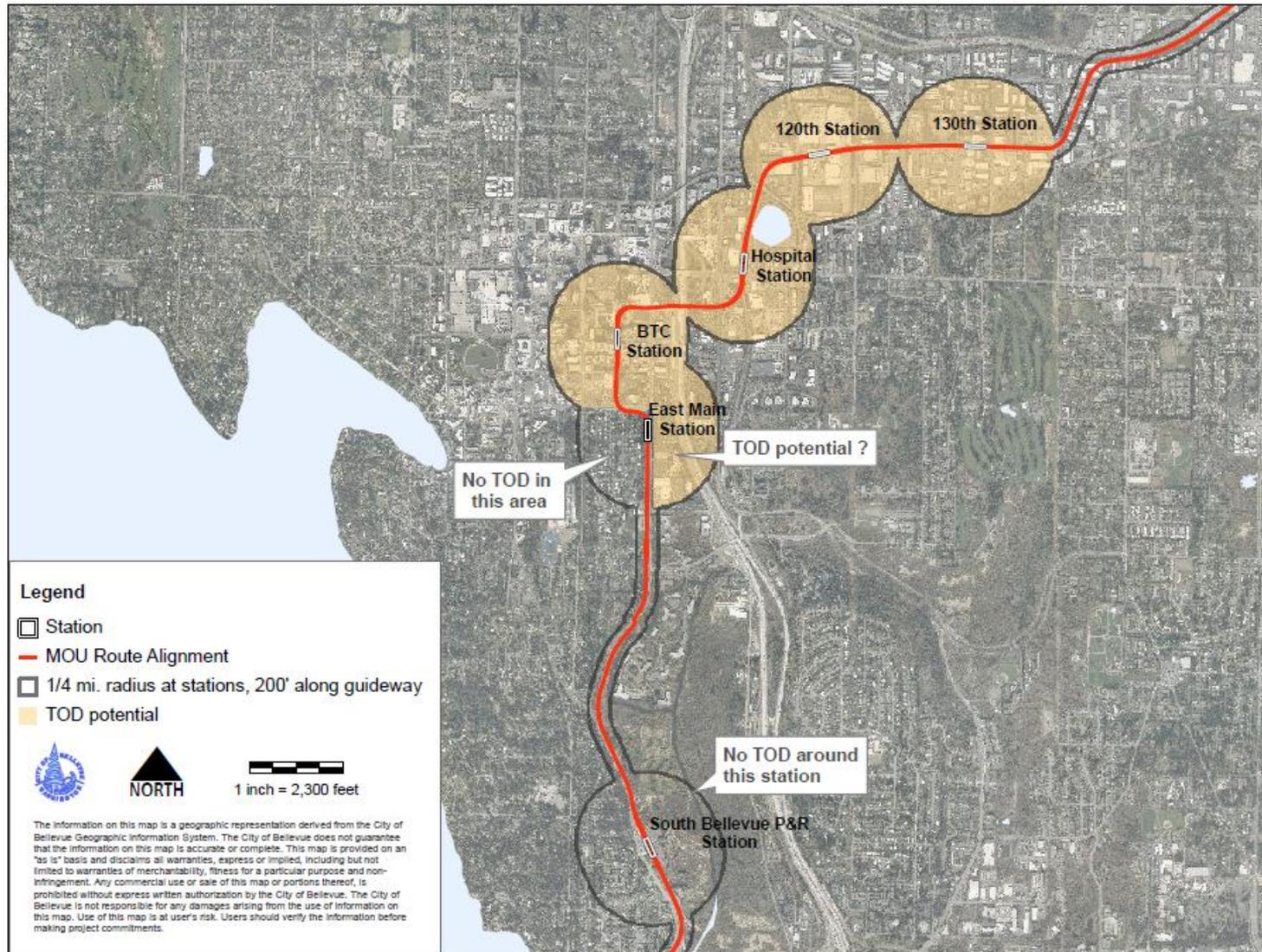
Debunking Myths:

What the Draft Amendment does not do

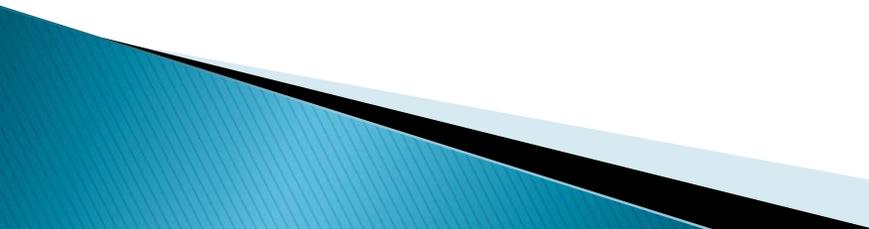
- ▶ The draft amendment is not a rezone of any properties in the City
 - ▶ No City standards are relaxed
 - ▶ No amendments are included to any technical codes
 - ▶ Does not approve the East Link project
 - ▶ Does not include the separate large maintenance base within the overlay
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Potential TOD Areas

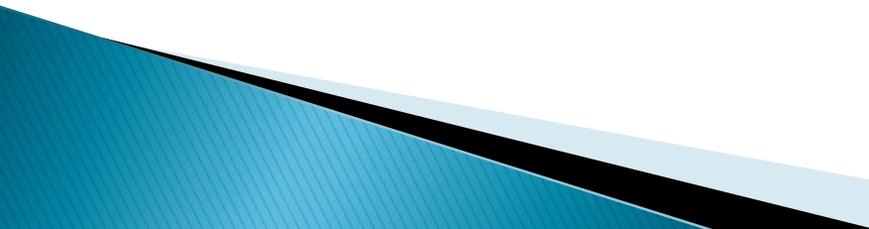
Not Expanded with Draft Amendment



How the Amendment was Prepared

- ▶ Reviewed Comp Plan and Light Rail Best Practices
 - ▶ Examined alignment and identified all land use districts and overlays along the route
 - ▶ Identified resulting applicable regulations
 - ▶ Identified code inconsistencies and gaps
 - ▶ Toured existing light rail segments in other jurisdictions
 - ▶ Reviewed code for standards to fill gaps
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Process Inconsistency and Regulatory Gaps

- ▶ East Link passes more than 20 land use districts with different levels of required review
 - ▶ Almost half of East Link is in ROW where land use provisions typically do not apply
 - ▶ LU Code lacks content specific design standards/guidelines
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Substantive Gaps

Applicable LUC Provisions	Summary of Current Applicability to Light Rail	Incorporation into Overlay	Comments
Light and Glare 20.20.522	<ul style="list-style-type: none"> Light and glare provisions protect adjoining uses and vehicular traffic in the right of way Limitations on generation of light and glare would apply to Light Rail facilities located in multifamily and commercial land use districts 	Yes – Light and glare limitations included. See Draft Overlay section: <ul style="list-style-type: none"> 20.25M.040.D 	<ul style="list-style-type: none"> Overlay fills an existing gap by extending light and glare limitations to Light Rail facilities in every land use district
Mechanical Equipment 20.20.525	<ul style="list-style-type: none"> Mechanical equipment provisions ensure that installations do not detract from the appearance of a building Mechanical equipment provisions would require appropriate integration and screening of equipment associated with light rail facilities Applies to mechanical equipment located only outside the right of way 	Yes – Mechanical equipment provisions incorporated by reference. See Draft Overlay section: <ul style="list-style-type: none"> 20.25M.040.E 	<ul style="list-style-type: none"> Overlay fills an existing gap by extending mechanical equipment screening requirements to Light Rail facilities in every land use district and to any equipment located in the right of way
Recycling and Solid Waste Collection Areas 20.20.725	<ul style="list-style-type: none"> The recycling and solid waste provisions require collection areas for workers No other requirement to provide garbage receptacles at stations or park and ride locations 	Yes – recycling and solid waste collection provisions incorporated by reference. See Draft Overlay section: <ul style="list-style-type: none"> 20.25M.040.G 	<ul style="list-style-type: none"> Overlay fills gap by extending garbage and recycling receptacle requirement to stations and park and rides

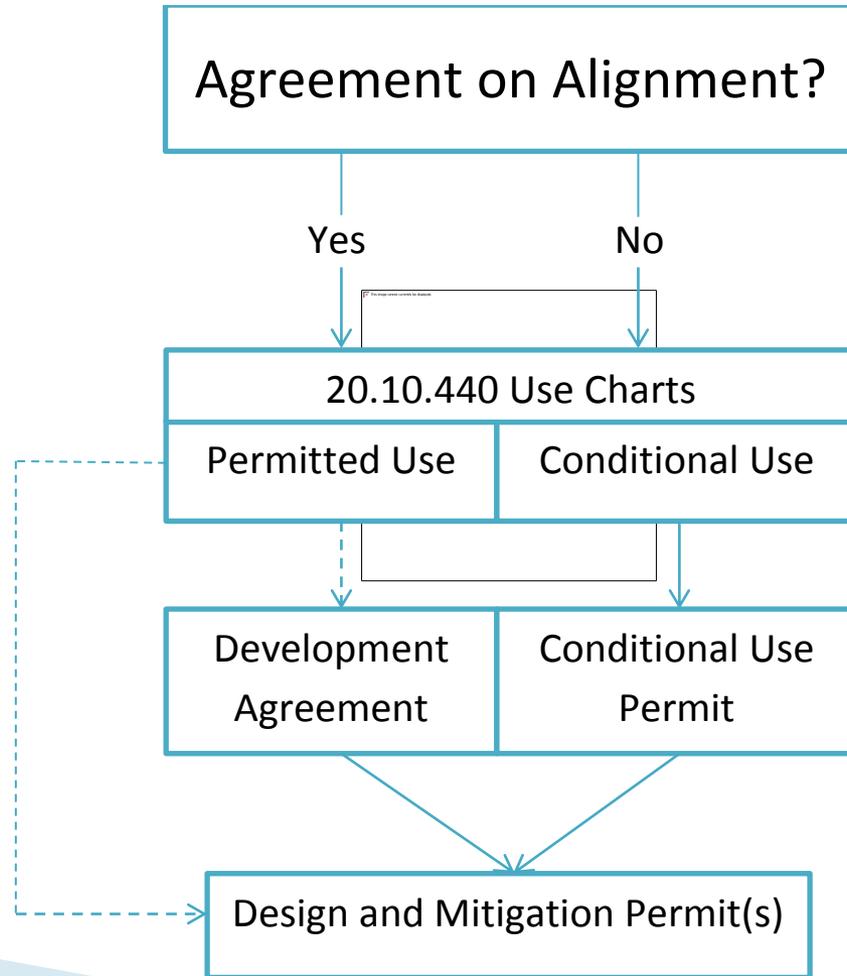
Draft Code Major Components

- ▶ General Sections and Definitions
- ▶ Required Permits*
- ▶ Development Standards*
- ▶ Design Guidelines*
- ▶ Administrative Modification

*Subject of More Detailed Discussion Tonight



Required Permits



Development Agreement

Process Milestones*

Milestone	Required Process
Public Notice of Application?	Yes; SEPA applies to development agreements, so a notice of SEPA review will alert public to development agreement and process
Public Hearing?	Yes, public hearing with City Council, by practice noticed both in Weekly Permit Bulletin and through normal Council noticing procedures
Decision Maker on Development Agreement?	City Council, through a legislative action
Administrative Appeal of Development Agreement?	No, no administrative appeal of Council action on development agreement
Judicial Appeal of Development Agreement?	Yes, appeal available to Superior Court

*Process requirements outlined in RCW 36.70B; based on Development Agreement that does not include a specific permit approval, but rather includes standards that guide future permit review; process different if DA includes permit approvals.

Conditional Use Permit Process Options

Milestone	CUP – Process I	CUP – Process III
Notice of Application	Yes, requires published & mailed notice	Yes, requires published & mailed notice
Public Meeting	Yes, required as early in review as possible	Yes, required as early in review as possible
Public Hearing	Required with Hearing Examiner	Required with Hearing Examiner
Decision Maker on Permit?	Hearing Examiner, after hearing	City Council, after hearing and recommendation from Hearing Examiner
Administrative Appeal of CUP?	Yes, to City Council after Hearing Examiner decision	No, no administrative appeal, Council decision is final action of City
Judicial Appeal of CUP?	Yes, appeal available to Superior Court	Yes, appeal available to Superior Court

Design & Mitigation Permit Process II Milestones

Milestone	Required Process
Notice of Application	Yes, requires published & mailed notice
Public Meeting	Optional; not required for all Process II, but could be included in proposed amendment
Public Hearing	No; public comment period exists but does not include hearing
Decision Maker on Permit?	Director of Development Services Department
Administrative Appeal available?	Yes; appeal to Hearing Examiner
Judicial Appeal available?	Yes; Hearing Examiner's decision on appeal is appealable to Superior Court

Development Standards

- ▶ Development Standards are rigid (or quantitative) requirements
 - Example: dimensional requirements
- ▶ Standards must be met in the absence of a modification approval
- ▶ Draft Amendment includes applicable:
 - Dimensional Requirements
 - Landscape Development standards
 - Provisions for impact mitigation (such as fencing, light and glare, parking, waste collection, and critical areas)

Design Guidelines

- ▶ Design Guidelines are more flexible (or qualitative)
- ▶ Describe features that are to be addressed in the design of projects
 - Each guideline could generate numerous solutions
 - Varied and imaginative designs are encouraged
- ▶ Draft Amendment includes:
 - Guidance for station area planning
 - Guidance for other light rail structures (such as traction power substations, signal bungalows, ventilations structures, signs, walls and barriers)

Next Steps

- ▶ October 22nd Public hearing
- ▶ November Study Session(s), refine amendments
- ▶ December Anticipated final action

For more information, see East Link Project website at:

<http://www.bellevuewa.gov/light-rail-overlay.htm>

Questions & Discussion

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